

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff)
) No. 3:12-0179
v.) Magistrate Judge Brown
)
DUSTIN B. BOGART, et al.,)
)
Defendants)

O R D E R

The Defendants in this matter have attempted to file a motion to dismiss (Docket Entry 28). The Defendants, however, failed to include with this motion a second page which would bear their signatures.

After some research the Magistrate Judge has located a Pennsylvania case that the Bogarts have referred to: *United States of America v. Bogart*, Middle District of Pennsylvania, Case No. 4-12-347. It appears that an identical motion was filed in that case with a signature page. If the Defendants intend to pursue this motion they must file a signed motion. The **Clerk** is directed to strike the motion (Docket Entry 28) without prejudice to refiled.

The Defendants have also filed a motion for a 60 to 90 day continuance to obtain counsel. The Magistrate Judge would note, however, that contemporaneous with the motion for additional time the Defendants are filing motions to dismiss. The motion for a 60 to 90 day delay for the initial case management conference (Docket Entry 30) is **DENIED** without prejudice to being refiled

after the initial case management conference which remains set for **September 24, 2012** (Docket Entry 27).

The Magistrate Judge is somewhat puzzled by the fact that there are essentially identical suits pending both in the Middle District of Pennsylvania and the Middle District of Tennessee. From a reading of both complaints it appears that the property in question is in the Middle District of Pennsylvania. The Magistrate Judge gathers that the Defendants are in Pennsylvania now, although it may be they contend this is a temporary situation and that their permanent residence is in Stewart, Tennessee, which is in the Middle District of Tennessee. The Government is directed to file with the Court within **14 days** a statement of why this case should not, or could not, be consolidated in a single court.

It is so **ORDERED**.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge